

10.09.2025
Sl. No. 19
Ct No. 3
SG

WPA 23970 of 2023

**Pinaki Chakraborty
Vs
The State of West Bengal & Ors.**

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De,
Mr. Debjyoti Kar.

...for the petitioner

Mr. Rajendra Chaturvedi.

...for Rishra Municipality

Mr. Vimal Kumar Shahi,
Mr. Nirmalya Roy.

...for the State

Mr. Abhishek Banerjee,
Mr. Yashraj Roy.

...for respondent no. 6

1. Learned Counsel for the petitioner seeks and is granted liberty to add the Rishra Municipality as party respondent to the present writ petition.
2. Liberty is granted. The same shall be carried out with the Court itself.
3. Learned Counsel for the Municipality who appears for the other respondents accepts notice.
4. The petitioner is aggrieved by the inaction of the respondent authorities in failing to take any action against the alleged unauthorized and illegal construction raised by respondent no. 6 at premises

no. 37/1, N.K. Banerjee Street, P.O & P.S. – Rishra, Ward No. 9 within Rishra Municipality.

5. The case of the petitioner is that he is a 50 per cent owner of the aforementioned property. The sanctioned building plan permitted construction of a G+4 storied building with provision of lift and parking space. However, the petitioner stated that respondent no. 6 in violation of the sanctioned plan constructed the building with substantial deviations. In particular, raising of an additional floor of approximately 500 square feet on each floor beyond the permissible sanctioned building plan and has also converted the ground floor into a commercial space. In view of such deviation and illegalities, the petitioner submitted a representation dated 09.07.2018 before the respondent authority, seeking necessary action against the unauthorized construction. However, till date no action has been taken by the respondent authorities.

6. Learned Counsel for the respondent authorities states that the authority is ready and willing to decide petitioner's representation dated 09.07.2018.

7. Learned Counsel for the petitioner states that the petitioner shall be satisfied if the same is decided within a time bound manner.

8. In view of the submissions made by the learned Counsel for the parties, this Court directs the respondent to take a reasoned decision to the petitioner's representation dated 09.07.2018, strictly in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as private respondent, within a period of eight weeks from the date of communication of this order, by way of a speaking order.

9. With the above direction, the present writ petition stands disposed of.

10. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

11. There shall be no order as to costs.

12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)